

DURHAM CITY COUNCIL WORK SESSION
Thursday, October 24, 2013 – 1:00 p.m.
Committee Room – 2nd Floor – 101 City Hall Plaza

Present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora-Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: City Manager Thomas Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

Mayor Bell called the meeting to order.

There were no announcements from the council members.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

City Attorney Baker requested a closed session regarding attorney-client consultation, pursuant to G.S. 143.318.11(a)(3).

The City Attorney’s item was accepted

There were no priority items from the City Manager and City Clerk.

Subject: Durham Housing Authority Commissioners Vacancy

Motion by Council Member Schewel seconded by Council Member Brown to request the Clerk to extend the publicizing an additional week for the Durham Housing Authority Commissioners’ vacancy.

The motion was approved by a vote of 6/0 at 1:05 p.m.

After Mayor Bell announced each item on the printed agenda, the following items were pulled for comments or discussion.

Subject: James Michael Lynch

To receive comments from James Michael Lynch regarding the Chief of Police.

Note: Mr. Lynch was not present to speak at the meeting.

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Subject: Emorywoods Community Association

To receive comments from Thelma White regarding the re-paving of Fayetteville Road from the Cook Road intersection to the intersection of Utah Avenue.

Thelma White, a resident of Jerome Road in the Emorywoods Community, read the following statement:

I stand before you today to ask that you consider recommending to the State DOT that Fayetteville Road be resurfaced.

Leaders of PAC 4, other concerned citizens, and I are asking that Fayetteville Road be repaired and resurfaced from Cook Road to Elmira Street. I have spoken to staff about our concerns and understand that the State DOT has jurisdiction over specific street repairs here in Durham. This stretch of Fayetteville Road is littered with potholes and missing pieces of concrete and asphalt. I have started a petition for others who travel this road or have businesses on this stretch of Fayetteville Road who have similar safety concerns. This area covers several schools, including Fayetteville Street Elementary, W. G. Pearson Elementary, and Hillside High. Our petition serves as an indicator of the broad support by all that travel along Fayetteville Road. Our concerns are for the safety of our children, our neighbors, businesses and all that travel in this area.

We know that the council does have the authority to enact these changes; however, you do have the authority to make recommendations and to ask that DOT study this section of Fayetteville Road and that is what we are asking today.

I want to thank you for the opportunity to come before you to voice our concerns, and that you consider acting on the before mentioned.

At this time, Ms. White presented to the City Clerk a petition signed by residents and businesses supporting the request.

Mayor Bell thanked Ms. White for her comments.

Subject: John Tarantino

To receive comments from John Tarantino regarding the Police Department, Neighborhood Improvement Services, Durham Area Transit Authority and Equal Opportunity & Equity Assurance.

John Tarantino provided a song selection to the council.

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Subject: Durham Housing Authority Update

To receive an update from Dallas Parks, CEO of Durham Housing Authority on matters related to Durham Housing Authority.

Thomas Niemann, Chair of the Durham Housing Authority Board of Commissioners, stated they have come a long ways; however, they do have lots of challenges ahead and if every challenge there is plenty of opportunities. He stated the commissioner appreciated the council guidance and support for the agency.

CEO Dallas Parks, of the Durham Housing Authority, introduced the staff at the Durham Housing Authority and gave a power point presentation to the council as follows:

Durham Housing Authority
State of the Agency Message

Overview

- Agency's Head Count: 114 staff positions. A reduction of 23 staff positions (17 percent) since 2010.

DHA's 2013 Budget (all programs): \$39,200,000

Note: DHA's federal funding eligibility exceeds congressionally appropriated funds. As a result, the U. S Department of Housing & Urban Development "prorates" its funding to all affected programs, including public housing programs.

Public Housing

- DHA manages 15 sites. All units are managed using Asset-Based management principles since 2007
- 1,867 units, including 135 The Community Builders managed properties and 16 Edgemont Elms public housing units
- 98.6 percent of DHA managed units are occupied
- 2,600 names on waiting list
- Program is annually evaluated by HUD's Public Housing Assessment System. There are four indicators: 1) management scored 92 percent; 2) financial management, scored 100 percent; 3) capital fund program management scored 100 percent; 4) physical condition of the housing stock - HUD has not transmitted this score to DHA. Developed an algorism based on scores from previous years. Best overall estimate for 2012 is a score of 90.42 percent of "high performing".

Effect of the Federal Sequester: 83 percent Proration of Operating Subsidy. Loss of ~\$1 million in Operating Subsidy for 2012.

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Capital Fund Program

- For Fiscal Year 2013, DHA received \$2.14 million. This amount represents a reduction of 35% over the past three years.
- Program is used mainly for capital improvements. Also, received \$4.4 million (one time grant) in American Recovery and Reinvestment Act (2009) funding. DHA planned, obligated and expended all funds within required time limits.

Housing Choice Voucher (formerly Section 8) Program

- 2,734 vouchers administered. Waiting list ranges from 900 to 2,600
- Housing Assistance Payments Sequester Proration is 94 percent
- HAP reduction of ~\$1 million
- Ongoing administrative fees sequester proration is 69 percent. As a result, staff has been reduced from 23 to 15 or reduced by 35% since 2011. Other expenses also have been reduced e.g. reduced work week and apply furlough days from staff
- Program is annually evaluated by HUD via Section Eight Management Assessment Program. There are 14 indicators. DHA's 2012 score was 93 percent or "High Performing."

Physical condition of DHA's properties

- Oldest property is nearly 60 years
- Major systems have reached useful life
- Twenty to twenty-five years sustainability
- Capital backlog is \$38 million to \$50 million
- Capital Fund Grant is not sufficient to meet requirement

Redevelopment Strategies for DHA's Properties

- Mixed-finance approaches under Development Ventures, Inc.
- Utilizing all available funding streams e.g. Choice Neighborhood Initiatives, LIHTC Tax Credits via NCHFA, grants and Rental Assistance Demonstration
- Development/redevelopment activities in progress: Goley Point, Preiss-Steele Place
- Rental Assistance Demonstration contracts approved: Morreene Road and Damar Court. Applications in process: Oldham Towers, Liberty Street, Club Boulevard and Edgemont Elms. Remaining site applications to be submitted during 2014.

Chair Tom Niemann commented on the internal strategic planning process as noted below.

Internal Strategic Planning

- Blue Print for Success
- Improve Business Processes and Objectives
- Vehicle by which to create better customer service and financial management outcomes

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Chair Tom Niemann said they have their credibility back and their capability back on track, and he felt they have the support not only locally (in Greensboro and Washington, DC) and said he felt the reason they are pushing them to move in the direction that Secretary Donovan is saying to redefine public housing - because they think DHA is ready to actually perform. He spoke on DHA's limited financial capacity and he felt the City Council, County Commissioners and all the leaders throughout the community and the private sector can help them be more creative as they take a look at all of their 15 communities.

Discussion was held on the waitlist for housing assistance, effects of sequester on DHA, the Morreene Road redevelopment, low rate of people moving out of public housing, programs that DHA utilizes to assist residents, renovation rental program and relocation, current vacancies on the board and qualifications needed and status of Lincoln Apartments.

Council Member Schewel said it has really been informative for him over the past two years to serve on the Housing Authority Board as the council liaison. He said just to enforce the importance of this he wanted to say again that one out of every 20 people in Durham is either living in a Durham Housing Authority community or has a voucher from Durham Housing Authority, and the survival and improvement of this type of housing is critical to the future of Durham. He also referenced the past performance of the authority and the current positive high level of performance.

Mayor Bell thanked the housing authority for their positive report. Also, he commented on his recent meeting with HUD Secretary Donovan.

Subject: Ordinance Amendment to Permit Bow Hunting of Deer

To adopt an Ordinance amending the Durham City Code to permit bow hunting of deer within City limits.

Council Member Catotti asked what is the smallest area of land mask that someone can hunt on.

City Manager Bonfield replied five acres. He said it has to be a piece a property in conjunction with a totality of five acres or more.

Council Member Catotti also asked why 150 feet from a dwelling and said 50 yards is not that far to be in a stand shooting a deer.

City Manager Bonfield said Raleigh it at 250 feet and if council is more applicable to that.

Council Member Catotti said 250 feet makes more sense.

Several members of council agreed with the 250 feet from a dwelling.

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Council Member Catotti said since people are comfortable with it, she asked the administration to go with the higher distance of 250 feet.

It was noted the item will be on the Consent Agenda with the recommended change of 250 feet.

Council Member Catotti asked about enforcement.

City Manager Bonfield said all enforcement comes from the State.

Subject: Amendment to Public-Private Redevelopment Agreement between the City of Durham and CPGPI Regency Erwin Development, LLC

The staff report indicated that this item has been prepared to recommend an amendment to a public-private redevelopment agreement, involving both private investment and public infrastructure improvements. The public infrastructure improvements are to be funded through new tax revenues generated by adjoining new development.

The agreement was constituted in order to address both parking and infrastructure challenges including the following:

- a lack of adequate lighting
- deteriorating sidewalks
- disorganized signage
- a lack of aesthetically pleasing amenities
- lack of parking

The overall projected cost of the infrastructure improvements as proposed by Regency is \$1,039,687.32, which is the City of Durham's contribution to the public-private redevelopment project improvements. This includes design costs and preconstruction service costs. The coordination of both the City of Durham CIP funds in conjunction with private sector investment will benefit the City and the Ninth Street business community.

Council Member Schewel referenced three items the Bicycle Commission requested: additional bike racks on Ninth Street; construction of short section of sidewalk to close the gap on the west side of Ninth Street between Safeway and Hillsborough Streets and the addition of a marked crosswalk across Safeway at the intersection of Ninth Street. He asked how would this dovetail with this item.

OEWD Director Kevin Dick said there are additional bike racks planned within the district and referred to the development partner to address the sidewalk elements/site plan.

Jack Dunn, representing the Chartwell Property Group, said the request came after they submitted for site plan approval, and said in essence they could give the City of Durham whatever they would like via this vehicle. He said at present the addition of the sidewalks are

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not in the site plan and are not in the funding model, but he did not think it would cost very much money and probably could be an extra contingency at the end of the project. He said he would like to see it happen which would be a great connection.

Council Member Schewel said it was recommended by the Bicycle Commission in December 2012 and asked the City Manager to review that.

OEWD Director Kevin Dick spoke on their various discussions with the merchants on the east side of the street stating they have told them they will contemplate a program that is similar to the retail and professional services grant program that currently exists in downtown and in the neighborhoods that would provide the flexibility for them to also work on lighting their facades. He said it would require a change to the existing policy and they have contemplated bringing policy changes to the council after the work is done with the city/county economic development strategic plan.

Council Member Schewel commented on how this item was potentially related to the parking on Ninth Street.

City Manager Bonfield said the item that relates all these issues is the flow of the revenue, but they are really separate issues. This item is an a la carte decision (do we want to do these streetscape improvements) and if we do, this is where the money comes from. He said what happens to the remainder of the money is a decision that the council could make today or through some budgetary process.

Council Member Schewel said he understood that; however, all or much of the streetscape improvements are on the west side of the street and the merchants are on the east side of the street and they have been there for a long time and they are the reason that the merchants on the west side want to come there. Here you have a lot of money for improvements on the west side of the street which will certainly benefit the residents on the east side of the street and he said that needs to be kept in mind. Also, he spoke in favor of the street improvements; however, he noted they are not the entire story.

Mayor Bell said he had some definite opinions about the Ninth Street parking and said some of the comments by Council Member Schewel are relevant.

Jack Dunn, of Chartwell Properties, also commented on the additional bike racks that have been added in the vicinity of the new development.

Subject: Contract SD-2013-01 with White Oak Construction – Stormwater Infrastructure Repairs and Improvements

To authorize the City Manager to execute a contract for SD-2013-01 for Stormwater Infrastructure Repairs and Improvements, with White Oak Construction Corporation in the amount of \$537,358.00;

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To establish a contingency fund in the amount of \$107,471.60 (20%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$107,471.60 and the total project cost does not exceed \$644,829.60.

The staff report indicated on August 26, 2013, bids were opened for Contract SD-2013-01. This contract consists of repairs and rehabilitation of stormwater drainage systems at various site locations throughout the City of Durham. The lowest responsive bid was submitted by White Oak Construction Corporation, of New Hill, North Carolina. The Public Works Department recommends that the City Council authorize the City Manager to execute a contract with White Oak Construction Corporation, for Contract SD-2013-01 in the amount of \$537,358.00 with a contingency of \$107,471.60 (20%). This results in a total amount of \$644,829.60.

This contract includes repair work at 13 project sites.

Council Member Catotti asked about the improvements on private property, what they were, why on private property and the impact on the system/costs.

Sujit Ekka, of the Public Work Department, stated there is one stream restoration project they are doing on private property located at Rocky Street off South Plum Street with an approximate dollar value of \$25,000 to \$30,000. He said there was an issue with the buffer being damaged and they will replant it as part of this project and the sediment that is washing away from the bank will be stabilized.

Subject: Comprehensive Parking Study Reports for Downtown and Ninth Street Areas

To receive a presentation on the Comprehensive Parking Study Reports for the Downtown and Ninth Street areas.

The staff reported indicated that the City of Durham executed a contract with Kimley-Horn & Associates, Inc. in June 2012 to provide professional consultant services for the overall Comprehensive Parking Study for Downtown and Ninth Street. The Comprehensive Parking Study provides guidance to the City Council in the formulation of policies to address parking related issues associated with existing on-going development in Downtown and in the Ninth Street area and helps to ensure that existing off and on-street parking supply is being efficiently and effectively managed and utilized. Input was solicited from a variety of Downtown and Ninth Street area interest groups (employers, business owners, residents, developers, special event operators, etc.) in the development of the Downtown and Ninth Street Study Area Comprehensive Parking Study Reports and opportunity was provided for comments on the draft reports.

The following are among the more significant recommendations of the parking studies:

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1. Implement paid on-street parking for approximately 750 spaces in the Downtown area and 150 spaces in the 9th Street area.
2. Expand time restricted on-street parking in the Downtown and 9th Street area.
3. Increase the rate for monthly parking permits in the Downtown parking decks and surface lots.
4. Increase the fee for special events in the City's parking decks.
5. Develop a specific permit for the City's parking decks that provide reserved parking 24 hours a day, 7 days a week (for Downtown residents).
6. Improve security in City parking facilities.
7. Begin planning for a new City owned parking deck on one of the City owned surface parking lots on Morgan Street between Mangum and Foster Streets.
8. Pursue shared use of Duke University off-street parking lots near the 9th Street area for area employees.
9. Implement paid parking in the off-street parking lot on Ninth Street.
10. Improve the alley linking Iredell Street to 9th Street (8 Alley) to provide a better pedestrian connection between available parking on and near Iredell Street and businesses on 9th Street.
11. Create a Parking Manager position.
12. Implement a comprehensive Parking Enterprise Fund that captures all parking revenues and expenses.

Some of these recommendations have already been implemented:

- The rate for monthly parking permits in the Downtown parking decks and surface lots was increased by \$10 effective October 1, 2013.
- The fee for special events in the City's parking decks was increased by \$1 effective October 1, 2013.
- A special permit for the City's parking decks that provides reserved parking 24 hours per day, 7 days per week at \$90 per month was created effective October 1, 2013.
- The FY 2013-14 Parking Budget included funding for a new Parking Manager position.
- The FY 2013-14 Parking Enterprise Fund includes all revenues and expenses associated with the City's parking operation.

Fred Burchett, of Kimley-Horn & Associates, presented a power point presentation on the parking study for Ninth Street and Downtown commenting on the findings and recommendations.

Ninth Street Study Findings

- Adequate parking supply in peak hour, though some locations in heavy demand
- Lack of dedicated parking for employees of area businesses is an issue
- New developments providing on-site parking
- Ninth Street Lot heavily utilized at all time periods studied (90%+)
- 705 Broad Street Lot underutilized at all time periods (0-50%)

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Mr. Burchett also referenced the recommendations for short term (6 months); medium term (6 months – 18 months); long term (18 months +); paid on-street parking locations and employee parking locations.

Mayor Bell said the Ninth Street study also impacts Item #17 on the agenda (Ground Lease Agreement between CPGPI Regency Erwin and the City of Durham) which calls for leasing this parking lot and he had a problem with that. He said the parking now which was once owned by SEHED was on the tax records and they were paying city and county taxes and now the discussion is whether or not to have paid parking on Ninth Street or not and the city possibly leasing that lot for an amount he was in disagreement with. The Mayor said it seems to him that the city is paying far too much for something that he would rather the owner of the parking lot take himself, and if the owner wants to put up an arm and begin charging people that is their cost, but at least the city would be recuperating the taxes from that property since it is in private hands. The Mayor said since there is objection to having paid parking on Ninth Street; however, if someone is willing to have paid parking on Ninth Street, he could have a different approach to this, but to say you do not want to have paid parking on Ninth Street yet in still the city is going to enter in an agreement where it is paying to lease property for people to park in. The Mayor said even if we charge them we are still not breaking even which he had a problem with. He said he could not support the ground lease agreement with CPGPI for a term of 10 years until the Ninth Street parking issue is clarified. He said we either have paid parking or some form of paid parking or allow the developer to do whatever he wants with his lot and continue to let people park free on Ninth Street and eventually you see the problems that are coming up which will not solve anything.

Larry Wood, a business owner on Ninth Street, said he has 6 employees and no parking. He said the Whole Foods employees take up the St. Joseph's parking lot and any overflow they take up on Iredell. Mr. Wood said his recommendation to the parking study and others is that a section of parking be created (Iredell is the ideal location) where permit parking can be created and business owners can pay for a permit just like residents, like in the Trinity Park area which has permit based parking. He said we would pay for that and the city would receive some revenue.

Council Member Schewel said Mr. Wood's suggestion is one of the recommendations.

Tom Campbell, a business owner on Ninth Street, asked if the principle stated by the Mayor also be applied downtown. He said downtown parking has been operating a deficit for a long time/forever. He said if you are not in favor of operating a deficit on Ninth Street do not operate a deficit downtown.

Mayor Bell said he would rather the city not own the parking lot, let the Chartwell Group own it, and if people do not want to put meters on Ninth Street do not put them there and let Chartwell deal with the parking issue. Then the city would be receiving a lower revenue from the taxes and then the merchants will not have to worry about parking meters and the only concern then would be how are you going to park in this lot.

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Fred Burchett said he understood that; however, he is looking at parking and the Mayor is looking at policy, and losing that 80 space parking capacity would not be good for that area.

Mayor Bell said and that is what people need to understand.

Fred Burchett, of Kimley-Horn, continued his presentation commenting on the Downtown Study area.

Downtown Study Area Findings

- At present, adequate supply of parking in study area
- Public garage peak hour occupancies: Chapel Hill Street 84%; Church Street 60%; Corcoran Street 65%; Durham Centre 27%
- Demand for on-street parking within Downtown Loop selected locations outside Downtown Loop is high
- Including Debt Service, expenditures by the City for the total parking “system” exceeds revenues by ~\$2 million

Visitor/Employee/Resident-Key Findings

- ~77% of respondents find parking within a 2 block radius of their destination
- ~48% of respondents park on-street

Also, Mr. Burchett commented on the recommendations for the Downtown Study.

At this time the following citizens spoke on this item:

Tom Campbell, a business owner on Ninth Street, said they were in support of the new development in the area and the city leasing the lot. He said there were two representatives from downtown on the parking study team, but no one from Ninth Street. He said parking patterns in downtown and Ninth Street are very different. Mr. Campbell said the study states that moving to paid parking in the Ninth Street area will help achieve two goals-encouraging turnover and generating revenue toward a parking fund. He said he would strongly suggest that increasing turnover is not something the city should be trying to encourage on Ninth Street. He said the study does not even mention the problems that will inevitably arise with paid parking situated immediately adjacent to a large area of free parking, and as for the financial implications of this issue, the new development is generating more than enough revenue to pay for the lease of the west side parking lot. He also addressed the generating revenue toward a parking fund. Also, said that Ninth Street has not received any funds from the city in more than 30 years.

Stephen Barrell, a resident of downtown, stated in 1992 the city council approved free parking for downtown residents because paid parking was an obvious deterrent for urban revitalization and asked the council to continue honoring that agreement.

William Coke Ariall, a resident of downtown Durham, stated as a property owner and resident of downtown Durham he was present today to request that the council uphold their 1992 resolution

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to provide free parking to downtown resident property owners by grandfathering free parking for the current resident owners. Mr. Ariall said all of the current owner residents bought and invested in downtown properties and choose to live there based on what they believed to be a legally binding agreement from the city in 1992 when as an incentive to invest and live downtown, the city granted resident property owners free parking. He stated we are not wealthy developers asking for five million dollars. We are only asking that you honor your minor financial legal agreements to provide parking for approximately 120 people and 70 properties.

Ivona Piper, a resident of downtown Durham, spoke on how resident unfriendly the presented structure of fees were. She said the study does not acknowledge their investment in taxes nor their investment in the downtown area. She also stated they did a survey and 45% of the residents wanted to continue with free parking; 30% wanted a special rate; and 10% wanted a three year of phasing in the fees.

Marcia McNally, a resident of downtown Durham, stated over the past seven weeks Mark Ahrendsen, staff members as well as Lanier have given them a lot of time and support. She said they have had a working meeting with staff to discuss the issues that were raised by residents downtown, not only about parking, but the parking study overall, and the staff has continued to provide them with information as needed. Ms. McNally referenced earlier comments asking that residents be grandfathered for free parking upholding a 1992 agreement and the input from the mini survey of residents mentioned by Ivona Piper. She said the city staff and downtown residents have taken a collective step and moved toward a compromise and urged the council to modify the parking fees for downtown residents accordingly. She said the proposal mentioned by Mr. Coke and Mr. Barrell to grandfather in the pioneers and continue with free parking is reasonable; and she felt it was reasonable to have a lower monthly fee which is option 3 in the staff report. Ms. McNally said she trusted the council to make a fair compromise that acknowledges the residents' role in downtown Durham's revitalization and success.

Jack Dunn commented on the Ninth Street area and said parking was important to the merchants on the east side.

John White, of the Durham Chamber, stated this was an opportunity where he felt the Chamber of Commerce could be of assistance.

Council Member Moffitt suggested that a potential compromise is for the merchants/retailers on Ninth Street underwrite the cost of parking.

Tom Campbell said it was essential to them that the parking lot remain as a parking lot and it was essential to the city for the parking lot to stay. He said if the parking lot goes away, the businesses on his side of the street crater.

Council Member Catotti asked the manager what does the council need to do now, what is the timetable, can some of this be phased in.

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City Manager Bonfield said the Chartwell Group has been very patient and worked with the city on the parking lease which has been put off for quite some time and he felt that should be considered in context with the parking study. With respect to the paid on street parking, whether Ninth Street or downtown, he said additional time can be given to think about that some more. He said they have already moved forward with many of the components in the study. City Manager Bonfield said he did not expect to receive a lot of decisions today but it was not something you could just kick the can down the road for six months to a year. He said there is this bigger question if the city wants to subsidize \$2 million per year parking downtown. He said the budget currently supports that subsidy and if people are comfortable with that then there is less urgency about the on street parking component.

Council Member Catotti stated she was not sure if she was completely comfortable with the \$2 million a year subsidy for parking and said it would be helpful if the parking lot lease item could be put off for a month. She said she felt a decision could be made pretty quickly on the downtown residents and requested additional information (the permit waiver - how many households; the year of purchase on those properties). Council Member Catotti said she really appreciated the three options that were offered and she might suggest or consider a fourth option which will be possibly a phase-in of a half price. Also, she said she was certain she did not want to waive inherently. Regarding Ninth Street, she said if they could figure some way to work together to come up with a solution for employees. Also, she spoke in support of Council Member Moffitt's suggestion for having retailers on Ninth Street underwrite the cost of parking.

Council Member Schewel said he liked the direction the study is moving in terms of downtown parking and he did not think the city taxpayers at large should be asked to subsidize downtown parking to this degree. He also spoke on the Raleigh paid parking system and did not have a problem with it and felt it was really working for downtown Raleigh. In terms of downtown Durham, Council Member Schewel said he felt a compromise with the pioneers is a good idea and felt the city administration will provide a good recommendation. On Ninth Street, he felt that the lot is critical to the survival of the merchants on the east side; however, on the other hand unlike the 450 plus people that contacted him, he did believe those people will be going to Ninth Street and will be paying for their parking on street as he will be. He said good urban policy is having people pay for parking in situations like this and he felt the merchants on Ninth Street would not be losing their business. Council Member Schewel said he felt the demand for people like him who go to Ninth Street constantly – it is still going to be there and people will still want to go there.

Mayor Pro Tempore Cole-McFadden said it was very clear to her that paid parking is needed in both areas. She said her concern is enforcement.

Director of Transportation Mark Ahrendsen provided council with information from 1992 to present on parking rates downtown.

Council Member Moffitt requested more information, which was in the study, first hour free for parking and the potential impacts. Also, he spoke on covered parking spots/half price for surface lots (the permit holder would be grand-parented until they left downtown).

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Council Member Catotti asked who would pay the half-price rate.

Council Member Moffitt replied the current permit holder. He said the current permit holders would get a half price residential parking rate until they leave downtown (Option 3).

Mayor Bell it is clear that downtown and Ninth Street are two separate issues. The Mayor said he thought he heard Tom Campbell say if the parking lot went away it would crater businesses.

Tom Campbell replied yes, the existing businesses on his side of the street.

Mayor Bell asked what if it was paid parking.

Tom Campbell said paid parking would be a roll the dice, it would not crater (would it hurt, would it hurt, how much). He said if the city is really trying to raise money/revenue from parking why would you stop charging downtown parking at 6:00 p.m.

Mayor Bell replied they are two separate issues. He said we have got to look at downtown as one area and Ninth Street as one area.

Tom Campbell said it is revenue.

Council Member Schewel asked what is the reason for not charging people parking downtown on the streets starting at 6:00 p.m. as opposed to a much later time.

Director of Transportation Mark Ahrendsen commented on the 6:00 p.m. cut off for charging downtown parking on the streets and noted people are charged up until 7:00 p.m. in the decks. He said that is when the activity is.

Council Member Schewel said the folks on the Ninth are saying they have a lot of activity after 6:00 p.m.

Director of Transportation Mark Ahrendsen spoke on new equipment at parking facilities that will allow them to collect the parking fee for unaccounted tickets, with this being implemented around the first of the year.

Council Member Schewel asked if there were places that charged after 6:00 p.m. in peer cities.

Fred Burchette, of Kimley-Horn & Associated, stated Asheville charges 24/7 in decks.

Mayor Bell thanked everyone for their comments and stated the staff and council will take all remarks into consideration.

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Subject: Ground Lease Agreement between CPGPI Regency Erwin and the City of Durham

To authorize the City Manager to execute a Ground Lease Agreement with CPGPI Regency Erwin, LLC for a surface parking lot on Ninth Street for a term of 10 years at a monthly base rent rate of \$6,875.00 for years 1 through 5 and \$7,291.33 per month for year 6 through 10.

This item is being referred back to the administration.

Settling the Agenda for the November 4, 2013 City Council Meeting

City Manager Bonfield noted the following items for the November 4, 2013 City Council agenda: Consent Items 1 thru 16; and GBA Public Hearing Item 20.

Motion by Council Member Catotti seconded by Council Member Schewel to settle the agenda for the November 4, 2013 City Council Meeting as stated by the City Manager.

The motion was approved by a vote of 6/0 at 4:50 p.m.

Closed Session

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to go into closed session attorney-client consultation, pursuant to G.S. 143.318.11(a)(3).

The motion was approved by a vote of 6/0 at 4:50 p.m.

Open Session

Motion by Council Member Catotti seconded by Council Member Schewel to return to open session.

The motion was approved by a vote of 6/0 at 4:56 p.m.

No council action was taken in open session.

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There being no further business to come before the council, the meeting was adjourned at 4:56 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk